

Judgment of the Court (Grand Chamber) of 8 April 2014 — European Commission v Hungary(Case C-288/12) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 95/46/EC — Protection of individuals with regard to the processing of personal data and the free movement of such data — Article 28(1) — National supervisory authorities — Independence — National legislation prematurely bringing to an end the term served by the supervisory authority — Creation of a new supervisory authority and appointment of another person as head of that authority)

(2014/C 175/06)

Language of the case: Hungarian

Parties

Applicant: European Commission (represented by: K. Talabér-Ritz and B. Martenczuk, Agents)

Defendant: Hungary (represented by: M.Z. Fehér, Agent)

Intervener in support of the applicant: European Data Protection Supervisor (EDPS) (represented by: I. Chatelier, A. Buchta, Z. Belényessy and H. Kranenborg, Agents)

Re:

Failure to fulfil obligations — Infringement of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ 1995 L 281, p. 31) — Obligation of Member States to provide that the application of measures adopted pursuant to Directive 95/46 is monitored by one or more public authorities exercising their functions with complete independence — Adoption of national legislation ending the six-year term of the data protection supervisor before its expiry — Creation of a national authority for data protection and freedom of information — Appointment, for a nine-year term, of a person other than the data protection supervisor as head of that authority

Operative part of the judgment

The Court:

- 1) Declares that, by prematurely bringing to an end the term served by the supervisory authority for the protection of personal data, Hungary has failed to fulfil its obligations under Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data;
- 2) Orders Hungary to pay the costs;
- 3) Orders the European Data Protection Supervisor (EDPS) to bear its own costs.

⁽¹⁾ OJ C 227, 28. 7. 2012.

Judgment of the Court (Grand Chamber) of 8 April 2014 (requests for a preliminary ruling from the High Court of Ireland (Ireland) and the Verfassungsgerichtshof (Austria)) — Digital Rights Ireland Ltd (C-293/12) v Minister for Communications, Marine and Natural Resources, Minister for Justice, Equality and Law Reform, The Commissioner of the Garda Síochána, Ireland and the Attorney General, and Kärntner Landesregierung, Michael Seitlinger, Christof Tschohl and Others (C-594/12)

(Joined Cases C-293/12 and C-594/12) ⁽¹⁾

(Electronic communications — Directive 2006/24/EC — Publicly available electronic communications services or public communications networks services — Retention of data generated or processed in connection with the provision of such services — Validity — Articles 7, 8 and 11 of the Charter of Fundamental Rights of the European Union)

(2014/C 175/07)

Languages of the case: English and German